

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACOBY & MEYERS, LLP and JACOBY & MEYERS,
USA, LLC, on behalf of themselves and all other similarly
situated entities authorized to practice law in the State
of New York,

Plaintiffs,

v.

ERIC T. SCHNEIDERMAN AS ATTORNEY GENERAL
FOR THE STATE OF NEW YORK, in his official
capacity; THE PRESIDING JUSTICES OF THE
SUPREME COURT, APPELLATE DIVISION, FIRST
DEPARTMENT (Luis A. Gonzalez, Peter Tom, Angela M.
Mazzarelli, Richard T. Andrias, David Friedman,
John W. Sweeny Jr., Rolando T. Acosta, David B. Saxe,
Karla Moskowitz, Dianne T. Renwick, Leland G. DeGrasse,
Helen E. Freedman, Rosalyn H. Richter,
Sallie Manzanet-Daniels, Nelson S. Roman,
Paul G. Feinman, Judith J. Gische, Darcel D. Clark),
THE SECOND DEPARTMENT (Daniel D. Angiolillo,
Peter B. Skelos, William F. Mastro, Randall T. Eng,
Reinaldo E. Rivera, Mark C. Dillon, Cheryl E. Chambers,
Thomas A. Dickerson, Anita R. Florio, Ruth C. Balkin,
John M. Leventhal, L. Priscilla Hall, Sylvia O. Hinds-Radix,
Jeffrey A. Cohen, Sheri. S. Roman, Plummer E. Lott,
Leonard B. Austin, Sandra L. Sgroi, Robert J. Miller),
THE THIRD DEPARTMENT (Karen K. Peters,
Thomas E. Mercure, Robert S. Rose, John A. Lahtinen,
Edward O. Spain, Leslie E. Stein, William E. McCarthy,
Elizabeth A. Garry, John C. Egan Jr.), and the
THE FOURTH DEPARTMENTS (Eugene M. Fahey,
Nancy E. Smith, Henry J. Scudder, John V. Centra,
Erin M. Peradotto, Gerald J. Whalen, Rose H. Sconiers,
Edward D. Carni, Stephen K. Lindley, Joseph D. Valentino,
Salvatore R. Martoche), in their official capacities;
JORGE DOPICOIS, in his official capacity as the Chief
Counsel for the Departmental Disciplinary Committee for
the Appellate Division of the Supreme Court, First Judicial

X

ECF Case

Civil Action No.
11-3387 (LAK)

STIPULATION PURSUANT
TO FRCP 41 VOLUNTARILY
DISMISSING CERTAIN
NEWLY-ADDED PARTY
DEFENDANTS AND
AMENDING CAPTION
and (~~Proposed~~) ORDER

Department; DIANE MAXWELL KEARSE, in her official :
 capacity as Chief Counsel for the Grievance Committee :
 for the Second, Eleventh and Thirteenth Judicial Districts; :
 GARY L. CASELLA, in his official capacity as Chief :
 Counsel for the Grievance Committee for the Ninth Judicial :
 District; ROBERT A. GREEN, in his official capacity as :
 Chief Counsel for the Grievance Committee for the Tenth :
 Judicial District; PETER M. TORNCHELLO, in his official :
 Capacity as Chief Attorney for the Committee on :
 Professional Standards for the Appellate Division of the :
 Supreme Court, Third Judicial Department; and :
 GREGORY J. HUETHER, in his official capacity as :
 Chief Counsel for the Grievance Committee for the Fifth, :
 Seventh, and Eighth Judicial Districts, :

Defendants. :

X

Whereas on March 26, 2013, the Second Circuit remanded this action to the District Court with instructions to vacate the judgment and grant Plaintiffs leave to “amend their complaint to name additional state defendants and challenge the other provisions of New York law that prohibit non-lawyer investment in law firms”;

Whereas on June 21, 2013, Plaintiffs filed their Second Amended Complaint naming additional state Defendants, including, inter alia, all sitting justices of the New York State Supreme Court, Appellate Division, First, Second Third and Fourth Departments;

Whereas, Plaintiffs represent that the additional defendants have been served with the Second Amended Complaint, and Defendants contend that, if such service occurred, it was untimely;

Whereas the four Presiding Justices of the New York State Supreme Court, Appellate Division, First, Second Third and Fourth Departments have been defendants since the inception of this case, and Defendants dispute the necessity of joining the other 53 sitting justices as defendants as well; and,

Whereas, while Plaintiffs contend that the 53 sitting justices are proper parties in this case, both Plaintiffs and Defendants agree that they are not necessary parties to the claims asserted in the Second Amended Complaint, and that the action can be more efficiently litigated without adding them as parties at this time,

IT IS HEREBY STIPULATED AND AGREED that:

1. The following newly-added defendants are hereby voluntarily dismissed without prejudice pursuant to FRCP 41(a)(1):

JUSTICES OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT:

Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David Friedman,
John W. Sweeny Jr.
Rolando T. Acosta
David B. Saxe,
Karla Moskowitz
Dianne T. Renwick
Leland G. DeGrasse,
Helen E. Freedman
Rosalyn H. Richter,
Sallie Manzanet-Daniels,
Nelson S. Roman,
Paul G. Feinman,
Judith J. Gische,
Darcel D. Clark

JUSTICES OF THE SUPREME COURT, APPELLATE DIVISION, SECOND DEPARTMENT:

Daniel D. Angiolillo,
Peter B. Skelos,
William F. Mastro,
Reinaldo E. Rivera,
Mark C. Dillon,
Cheryl E. Chambers,
Thomas A. Dickerson,
Anita R. Florio,
Ruth C. Balkin,

John M. Leventhal,
L. Priscilla Hall,
Sylvia O. Hinds-Radix,
Jeffrey A. Cohen,
Sheri. S. Roman,
Plummer E. Lott,
Leonard B. Austin,
Sandra L. Sgroi,
Robert J. Miller

JUSTICES OF THE SUPREME COURT, APPELLATE DIVISION, THIRD DEPARTMENT:

Thomas E. Mercure,
Robert S. Rose,
John A. Lahtinen,
Edward O. Spain,
Leslie E. Stein,
William E. McCarthy,
Elizabeth A. Garry,
John C. Egan Jr.

JUSTICES OF THE SUPREME COURT, APPELLATE DIVISION, FOURTH DEPARTMENT:

Eugene M. Fahey,
Nancy E. Smith,
John V. Centra,
Erin M. Peradotto,
Gerald J. Whalen,
Rose H. Sconiers,
Edward D. Carni,
Stephen K. Lindley,
Joseph D. Valentino,
Salvatore R. Martoche

2. Defendants will not hereafter argue, by motion or otherwise, that any of the defendants listed in and dismissed pursuant to paragraph 1 was a necessary party to this action in regard to the claims asserted in the Second Amended Complaint.

3. The caption is amended as reflected in Exhibit 1 hereto.

Dated: July 9, 2013

MEISELMAN, PACKMAN, NEALON
SCIALABBA & BAKER P.C.

Attorneys for Plaintiffs

By: 

David J. Meiselman
Todd S. Garber
Jeremiah Frei-Pearson
D. Greg Blankinship
1311 Mamaroneck Avenue
White Plains, New York 10605
Tel: (914) 517-5000
Fax: (914) 517-5055

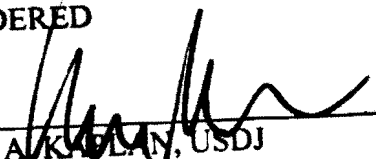
ERIC T. SCHNEIDERMAN
Attorney General of the State of New York

Attorney for Defendants New York
Attorney General Eric T. Schneiderman;
Presiding Justice, First Department Luis A.
Gonzalez; Presiding Justice, Second
Department Randall T. Eng; Presiding
Justice, Third Department Karen K. Peters;
Presiding Justice, Fourth Department Henry
J. Scudder; Jorge Dopicois; Diane Maxwell
Kearse; Gary L. Casella; Robert A. Green;
Peter M. Torncello; and Gregory J. Huether

By: 

Daniel Schulze.
Special Litigation Counsel
Michael J. Siudzinski
Assistant Attorney General
120 Broadway - 24th Floor
New York, New York 10271
(212) 416-6557

SO ORDERED


LEWIS A. KALLAN, USDJ

7/16/13

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACOBY & MEYERS, LLP and JACOBY & MEYERS,
USA, LLC, on behalf of themselves and all other similarly
situated entities authorized to practice law in the State
of New York,

Plaintiffs,

v.

ERIC T. SCHNEIDERMAN AS ATTORNEY GENERAL
FOR THE STATE OF NEW YORK, in his official
Capacity; THE PRESIDING JUSTICES OF THE FIRST,
SECOND, THIRD AND FOURTH DEPARTMENTS,
APPELLATE DIVISION OF THE SUPREME
COURT OF THE STATE OF NEW YORK, in their
official capacities; JORGE DOPICOIS, in his official
capacity as the Chief Counsel for the Departmental
Disciplinary Committee for the Appellate Division of the
Supreme Court, First Judicial Department; DIANE
MAXWELL KEARSE, in her official capacity as Chief
Counsel for the Grievance Committee for the Second,
Eleventh and Thirteenth Judicial Districts;
GARY L. CASELLA, in his official capacity as Chief
Counsel for the Grievance Committee for the Ninth Judicial
District; ROBERT A. GREEN, in his official capacity as
Chief Counsel for the Grievance Committee for the Tenth
Judicial District, PETER M. TORNCELLO, in his official
Capacity as Chief Attorney for the Committee on
Professional Standards for the Appellate Division of the
Supreme Court, Third Judicial Department, and
GREGORY J. HUETHER, in his official capacity as
Chief Counsel for the Grievance Committee for the Fifth,
Seventh, and Eighth Judicial Districts,

Defendants.

X

ECF Case

Civil Action No.
11-3387 (LAK)

X